

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
NORTH COAST REGION

RESOLUTION NO. R1-2004-0106

DESIGNATING A HEARING PANEL TO CONDUCT HEARINGS AND
WORKSHOPS IN THE EVENT OF ABSENCE OF A QUORUM

WHEREAS, under the California Water Code, a regional board is comprised of nine members appointed by the Governor and confirmed by the State Senate for four-year terms; and

WHEREAS, the minimum quorum for the Regional Board to hold a meeting and conduct business is five members; and

WHEREAS, the Regional Board has had four vacancies for some time and the appointments of two Board members expires November 30, 2004; and

WHEREAS, without at least five members, the Regional Board cannot hold Board meetings, adopt waste discharge requirements, issue cease and desist orders, hold hearings required by California Water Code section 13323, adopt administrative civil liability orders, or take action on other business requiring a vote by the Board members in a public meeting; and

WHEREAS, California Water Code section 13228.14 permits the Regional Board to appoint a hearing panel of three or more Regional Board members to conduct hearings; and

WHEREAS, the Regional Board finds that it is advisable to have the ability to conduct hearings by a panel of three or more members in the event that a quorum is not present at a regularly scheduled Regional Board meeting.

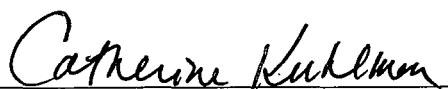
NOW THEREFORE BE IT RESOLVED, that:

1. The Regional Board appoints the remaining three or more board members to serve on a standing hearing panel that is hereby created to conduct hearings as set forth in California Water Code section 13228.14.
2. The hearing panel may conduct hearings in conjunction with regularly scheduled meetings of the full Regional Board or at special hearings convened for the purpose of hearing one or more matter as set forth in California Water Code section 13228.14 provided that the Regional Board satisfies all notice and other requirements of the Bagley-Keene Open Meeting Act (California Government Code section 11120 et seq.) and California Water Code section 13228.14.

3. The hearing panel shall not conduct any hearing unless three or more panel members are present.
4. Following a panel hearing, the panel shall prepare a report of its proposed decision and order for the Regional Board or any other relevant decision-making body and shall supply a copy to all parties who appeared at the hearing and requested a copy.
5. The Regional Board, State Water Resources Control Board or other relevant decision-making body, should consider the panel's recommendation at the next meeting at which a quorum is present. Panel members may sit as members of the Regional Board in deciding the matter. The Regional Board shall make an independent review of the record and may take additional evidence as necessary. No party who appears before the panel is precluded from appearing at the Regional Board meeting. The Regional Board may adopt, revise or reject the proposed decision and order of the panel.
6. The hearing panel is also hereby authorized to conduct workshops to take staff advice and public comment on developing matters of water quality, and to make recommendations to the Regional Board for action when a quorum is present.

Certification

I, Catherine E. Kuhlman, Executive Officer, do hereby certify that the foregoing is a full, true and correct copy of a Resolution adopted by the California Regional Water Quality Control Board, North Coast Region, on November 29, 2004.



Catherine E. Kuhlman,
Executive Officer